

**REMARKS**

The present communication response to the Office Action dated June 29, 2006.

**Claim Rejections under 35 U.S.C. § 103**

*Jacobson et al. in view of Schenker et al.*

Claims 1-2, 4, 17-18, 24-26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 03/019422 A1 to Jacobson et al. in view of U.S. Patent 6,633,223 to Schenker et al. This rejection is traversed at least for the following reasons.

As has previously been explained, neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest, at least, “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory,” and “exporting image files stored on said central computer to said second memory of said mobile computer,” both recited by claim 1, as amended. Similarly, neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest “synchronize the data files stored on said master database with data files stored in a first memory of the mobile computer” and “synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files,” as recited by claim 18. The Examiner has asserted that the applicant’s arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present and do not show how the amendments avoid such references or objections. Specifically, the Examiner asserts:

The applicants merely recite entire steps in claim 1 and elements in claim 18 that the applicant alleges are not taught in the prior art, never pointing out exactly what it is that the applicant believes the prior art is missing.

*Office Action, page 8, para. 7.* Respectfully, the applicants assert that the indication of the steps of claim 1 and elements of 18 that are not shown by the prior art clearly points out the patentable novelty of those claims over the prior art and how the claims avoid those references. More specifically, it should be clear that the applicant is pointing out exactly that the prior art is

missing the recited steps or elements. There is no level of specificity available other than indicating what step or element of a claim is not shown by the prior art. If the Examiner is still unclear as to what the applicants are indicating is not shown by the prior art, the applicants would welcome the Examiner and his supervisor to call the applicants' representative at the number listed below.

As previously explained, Jacobson et al. teach a mobile productivity tool for healthcare. The mobile productivity tool includes a mobile computing device (MCD) which exerts control over a camera such that no explicit action is required by the user to establish a correct relationship between the photograph and its context. *Jacobson et al.*, page 11, lines 8-10. The mobile productivity tool includes the MCD and, in some embodiments, another computer in a stationary environment, such that the MCD collected information is available for storage, review, and retrieval using the stationary computer. *Jacobson et al.*, page 11, lines 23-33. The MCD can convey data from the MCD to another MCD or to another computer in a stationary environment. *Jacobson et al.*, page 11, lines 14-27. To the extent Jacobson et al. include a stationary or central computer, that computer is used for the limited purposes of storage, review, and retrieval of information. See *Jacobson et al.*, p. 11, ll. 23-27. At best, Jacobson et al. teach conveying data used in the MCD to a stationary computer.

Jacobson et al. do not disclose, teach, or suggest "synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory," and "exporting image files stored on said central computer to said second memory of said mobile computer," both recited by claim 1, as amended. Jacobson et al. further do not disclose, teach, or suggest "synchronize the data files stored on said master database with data files stored in a first memory of the mobile computer" and "synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files," as recited by claim 18.

The Examiner asserts that Figure 8 of Jacobson et al. teaches synchronization of data files and page 11, lines 28-33 teaches exportation and synchronization of image files. Even if Figure 8 illustrates synchronization of data files and page 11, lines 28-33 teaches exportation and

synchronization of image files, such teachings are not enough to make obvious the claims. Claim 1 recites: “storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first memory and said image files are stored in a second memory”, “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory”, and “exporting image files stored on said central computer to said second memory of said mobile computer.” (emphasis added).. Similarly, claim 18 recites: “synchronize the data files stored on said master database with data files stored in a first memory of the mobile computer” and “synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files.” (emphasis added). Accordingly, Jacobson et al. must teach first and second memories of a mobile computer, data files being stored in the first memory and image files being stored in the second memory before it can possibly teach synchronizing data files stored on the central computer with data files stored on the first memory and exporting image files stored on the central computer to the second memory. The Examiner’s only indication of such teaching in Jacobson et al. is by reference to page 18, lines 7-31. This text provides detail on the synchronization process and discusses an MCD database and a stationary copy of the MCD database subset. This text does not provide any teaching, however, of first and second memories of a mobile computer, the first memory storing data files and the second memory storing image files.

The Examiner asserts that page 18, lines 19-27 and Figure 4, reference numbers 409, 410, and 411 teach “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile computer using a conduit program between said central computer and said mobile memory.” As previously explained, Jacobson et al. teach conveying data used in the MCD to a stationary computer. The portions of Jacobson et al. simply expand on this teaching. The text teaches an operating system that can be used to store database records:

PALM brand operating system database records are stored in a raw binary (indexed chunk) format. The raw binary format is enhanced by superimposing a multiple field data structure on the raw data, and treating each chunk as a record set. One of the “fields” in each record contains a globally unique record identifier. This treatment of the information supports interpretation and utilization of the

data records as a relational database. Software extensions built into the PALM brand OS Conduit (synchronization software that executes on the stationary computer) transform the information between the native PALM brand OS storage format and a relational database utilized by the stationary computer during the synchronization process.

*Jacobson et al.*, page 18, lines 19-27. As is clear from the very text indicated by the Examiner, information is stored in a native PALM brand OS storage format on the MCD, conveyed to a stationary computer, and synchronized on the stationary computer to transform the information into a relational data base.

Figure 4 illustrates a mobile computing device capable of digital photography. *Jacobson et al.*, page 10, lines 17-21. Information about a patient encounter is stored on the MCD:

This combination of operations, equipment, and software cooperate to record a digital photograph, store it 408 within the MCD, and associate it contextually and relationally with the rest of the information during a patient visit within the encounter context (as a patient record 411, a visit record 412 [sic, 410 as indicated in Figure 4], or an encounter record 409) at the time the photograph is taken.

*Jacobson et al.*, page 10, line 32 – page 11, line 3. While useful in illustrating the working of the MCD, it is not clear how exactly the Examiner thinks an encounter record 409, a visit record 410, or a patient record 411 taken with an MCD and stored on an MCD disclose, teach, or suggest “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile computer using a conduit program between said central computer and said mobile memory.” Further, *Jacobson et al.* is silent as to a first memory and a second memory on a mobile computer, the first memory storing data files and the second memory storing image files.

The Examiner further asserts that page 18, lines 19-27, Figure 4, reference number 408, and column 11, lines 5-13 and 28-33 teach “exporting image files stored on said central computer to said second memory of said mobile computer.” The applicants first note that *Jacobson et al.* does not include columns and, thus, the applicants are unable to address the Examiner’s assertion regarding column 11, lines 5-13 and 28-33. Page 18, lines 19-27 are

reproduced above and disclose an operating system that can be used for conveying data used in the MCD to a stationary computer. This text includes no mention at all of image files on either the mobile computer or on the stationary computer much less of exporting such image files from a central computer to a mobile computer. Figure 4, reference number 408 is a digital photograph that is stored on the MCD. *Jacobson et al., page 10, lines 32-33*. As is obvious from the entire concept of the Jacobson et al. reference, the MCD is used to take a digital photograph:

The invention relies upon usage of digital photography capable mobile computing devices ("MCD").

*Jacobson et al., page 10, lines 17-18*. Thus, while Figure 4 does show that a digital photograph can be taken with and stored on the MCD, it does not show "exporting image files stored on said central computer to said second memory of said mobile computer."

Accordingly, it is again asserted that Jacobson et al. do not disclose, teach, or suggest "synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory," and "exporting image files stored on said central computer to said second memory of said mobile computer," both recited by claim 1, as amended. Jacobson et al. further do not disclose, teach, or suggest "synchronize the data files stored on said master database with data files stored in a first memory of the mobile computer" and "synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files," as recited by claim 18.

Schenker et al. disclose a method for tracking student attendance and student movement through the use of a data processing telecommunications network capable of receiving and processing wireless transmissions from mobile stations. A server with an associated memory is provided for storing data about students. See *Schenker et al., Col. 5, ll. 12-40*. The Examiner asserts that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the teachings of Schenker et al. because these teachings would allow a teacher to use the device with students to make sure the correct students show up for classes and tests the same way the doctors of Jacobson et al. use the device to keep track of patients and would help keep track of institutional inventory used by

students.” *Office Action, page 3*. This statement illustrates the fundamental misunderstanding the Examiner holds with respect to the teaching of Jacobson et al. As previously explained, information is created on the MCD of Jacobson et al. and may then be transferred to a central computer for temporary storage of the information. In contrast, Schenker et al. teach using mobile devices to, for example, verify student identity:

An embodiment of the present invention employs a data processing telecommunications network having wireless communication capability, an electro-optical reader, a student identity card having encoded indicia thereon correlatable to the student's identity and readable by the electro-optical reader, and a processor for correlating confirmed student identity information with student activity information.

*Schenker et al., Col. 5, ll. 4-10*. It is asserted that the teachings of Jacobson et al. and Schenker et al. cannot properly be combined given that Jacobson et al. is concerned with creating information on a mobile computer and Schenker et al. is concerned with receiving information on a mobile computer. However, even were the references properly combined, they still would not teach each step or element of claims 1 and 18. At best, Schenker discloses transmitting student information, including a picture, from a mainframe computer to a mobile computer.

*Schenker et al., Col. 12, lines 35-39*. Schenker et al. do not teach storing such information on the mobile computer, synchronizing data between the central computer and the mobile computer, or exporting image files to a memory of the mobile computer. Further, Schenker et al. is silent as to a first memory and a second memory on a mobile computer, the first memory storing data files and the second memory storing image files.

Thus, the applicants again assert that Schenker et al. do not disclose, teach, or suggest storing, “on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first memory and said image files are stored in a second memory,” “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory,” and “exporting image files stored on said central computer to said second memory of said mobile computer,” all recited by claim 1, as amended. Schenker et al. further do not disclose, teach, or suggest “synchronize the data files stored on said master database with data

files stored in a first memory of the mobile computer” and “synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files,” as recited by claim 18.

Neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest “synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory,” and “exporting image files stored on said central computer to said second memory of said mobile computer,” both recited by claim 1, as amended. Similarly, neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest further does not disclose, teach, or suggest “synchronize the data files stored on said master database with data files stored in a first memory of the mobile computer” and “synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files,” as recited by claim 18. Accordingly, it is respectfully submitted that neither Jacobson et al. nor Schenker et al., alone or in combination, make obvious claim 1 or claim 18. As each of the remaining claims depends either directly or indirectly from one of claims 1 and 18, it is respectfully submitted that neither Jacobson et al. nor Schenker et al., alone or in combination, make obvious these claims. Accordingly, reconsideration and allowance are respectfully requested.

*Jacobson et al. in view of Schenker et al. and further in view of Verts*

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. in view of Schenker et al. as applied to claims 1-2, 4, 17-18, 24-26 and 29, and further in view of Verts, William T., “An Essay on Endian Order”. This rejection is traversed for at least the following reasons.

As discussed above in relation to the rejection of claims 1-2, 4, 17-18, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobson et al. in view of Schenker et al, the combination of Jacobson et al. and Schenker et al. fails to disclose the invention as claimed. Verts is an essay discussing computing systems and byte orders – specifically “Little Endian” and “Big Endian” byte orders. Verts fails to remedy the fundamental teaching

deficiencies of Jacobson et al. and Schenker et al. Thus, the applicants respectfully submit that claim 15 is patentable over the combination of Jacobson et al., Schenker et al., and Verts. Reconsideration and allowance are thus respectfully requested.

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**CONCLUSION**

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

No fee is deemed necessary. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1420 and notify us of same.

Respectfully submitted,

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